

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

205 RUIDOSO INVESTMENTS, LLC,

Plaintiff,

v.

CV No. 19-243 CG/SMV

WESTFIELD INSURANCE COMPANY,

Defendant.

**ORDER GRANTING STIPULATION OF DISMISSAL AS TO
COUNT II AND COUNT III OF PLAINTIFF'S ORIGINAL COMPLAINT**

THIS MATTER is before the Court on Defendant Westfield Insurance Company's *Stipulation to Dismiss Count II and Count III of Plaintiff's Original Complaint* (the "Stipulation"), (Doc. 47), filed September 26, 2019. In the Stipulation, the parties agree that Plaintiff's Count II for Unfair Insurance Claim Practices, Count III for Bad Faith, any claim for punitive damages, and any claim for attorneys' fees and costs against Defendant shall be dismissed with prejudice from this lawsuit, with each party bearing their own attorneys' fees and costs. The Court, having reviewed the Stipulation, finds the Stipulation is well-taken and shall be **GRANTED**. Therefore, the only remaining cause of action in this lawsuit is Plaintiff's Count I for breach of contract.

IT IS SO ORDERED.



THE HONORABLE CARMEN E. GARZA
CHIEF UNITED STATES MAGISTRATE JUDGE